

### **REMARKS/ARGUMENTS**

Reexamination of the captioned application is respectfully requested.

#### **A. SUMMARY OF THIS AMENDMENT**

By the current amendment, Applicants basically:

1. Editorially amend claims 9, 10, and 12.
2. Add new dependent claims 18 – 21 (corresponding to claims 6, 8, 14, and 16, respectively, but having conjunctive rather than alternative limitations).
3. Add new dependent claims 22 and 23.
4. Respectfully traverse all prior art rejections.
5. Respectfully request a three month extension of time.

#### **B. PATENTABILITY OF THE CLAIMS**

Claims 1 and 9 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 6,009,328 to Muszynski in view of U.S. Patent 6,546,248 to Jou et al and U.S. Patent 6,246,673 to Tiedmann, Jr. et al. Claims 2, 4, 6-8, 10, 12 and 14-17 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 6,009,328 to Muszynski in view of U.S. Patent 6,546,248 to Jou et al. All prior art rejections are respectfully traversed for at least the following reasons.

Independent claims 1, 2, 9, and 10 clearly specify (e.g., in the last paragraphs of claims 1 and 2, for example) that the first measurement report from the specified mobile station and the second measurement report from the specified mobile station include differing values of a signal quality measurement of a pilot signal from the destination base station as received by the specified mobile station. In other words, the measurement reports which initiate the two distinct portions of the handover sequence are based on a pilot signal from the same base station – the destination base station!

The amended independent claims thus manifestly distinguish over U.S. Patent 6,009,328 to Muszynski. The office action apparently interprets Muszynski as describing a “preliminary portion of a handover sequence” in col. 9, lines 10+, and the “another portion of the handover sequence” as being described in col. 9, lines 60+. But the two referenced portions of U.S. Patent 6,009,328 to Muszynski are respectively based on pilot signals from different base stations. The operation of Muszynski (described in col. 9, lines 60+) which allegedly corresponds to the “another portion of the handover sequence” occurs because the “pilot signal coming from BS 24 has weakened below a predetermined threshold...thus the leg 84-74 shall be removed ...”.

In other words, the pilot signal which triggers the activities performed by col. 9, lines 60+ of Muszynski is the pilot signal from the source base station 24, not from destination base station 22. Thus, Muszynski cannot anticipate or render Applicants’ claims unpatentable.

Yet further, new dependent claims 22 and 23 clearly specify that both the preliminary portion of the handover sequence and the another portion of the handover sequence are for establishing a connection leg between the destination base station and the specified mobile station. In other words, both the preliminary portion of the handover sequence and the another portion of the handover sequence are performed for establishing the same connection leg. The new claim language is amply supported by the totality of Applicants’ original disclosure, including (for example) the description of the establishment of second connection leg CL<sub>2</sub> (see the paragraph bridging pages 9 and 10 of the specification).

The new dependent claims 22 and 23 thus manifestly distinguish over U.S. Patent 6,009,328 to Muszynski. (Again note that the office action interprets Muszynski as describing a “preliminary portion of a handover sequence” in col. 9, lines 10+, and the “another portion of the handover sequence” as being described in col. 9, lines 60+). The two referenced portions of U.S. Patent 6,009,328 to Muszynski pertain to different connection legs, not the same leg. In particular, Muszynski col. 9, lines 10+ describe set

up of leg 82-72-50, while Muszynski col. 9, lines 60+ describe tear down or dropping of leg 74-84. The leg 82-72-50 is for base station 22; the leg 74-84 is for base station 24.

The subject matter of Applicants' new dependent claims 22 and 23 thus, based on timing of a first measurement report, performs a preliminary portion of a handover sequence for expediting time intensive handover activities for establishing a connection leg between a destination base station and a mobile station, and then (based on timing of a second measurement report) performs a remainder portion of the handover sequence for the same connection leg. This essentially allows getting a "jump" on the handover process.

Applicants provide an anticipatory mechanism for a handover sequence, in which a time-intensive "preliminary portion" of the handover sequence can be first performed (e.g., before the need for handover is definitively determined). The "preliminary portion" of the handover sequence is then followed (e.g., when the need for the handover is definitively determined) by the "another portion" of the handover sequence. U.S. Patent 6,009,328 to Muszynski describes in col. 9, lines 10+ a full handover sequence for setting up leg 82-72-50, and in col. 9, lines 60+ a procedure for disconnecting leg 84-74. Therefore, Muszynski does not provide a basis for denying patentability to Applicants' claims.

## C. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,  
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